

REMARKS

Claims 3, 4, 6, 9, and 11 remain in the application with claims 3 and 6 having been amended hereby and claims 1, 2, 5, 7, 8, 10, and 12 having been cancelled, without prejudice or disclaimer.

In regard to the claim for foreign priority in the present application, applicant respectfully submits that the certified copy was filed with the original application. Attached hereto is a copy of the postcard stamped by the Office and indicating that, in fact, the certified copy of Japanese patent application number P2000-231826 was received July 30, 2001.

Reconsideration is respectfully requested of the objection to the drawings under 37 CFR 1.83(a).

The claims originally recited that the channel state information from the channel state estimator was fed to the block length selector. Nevertheless, as seen in Fig. 1, for example, the channel state information is fed first to a channel state predictor, whose output is fed to the block length selector.

The claims have been amended hereby to recite the channel state predictor, so that the structure recited in the amended claims corresponds to what is shown in Fig. 1, for example.

Therefore, it is respectfully submitted that the claimed subject matter is clearly shown in the drawings.

In regard to the objection to claim 7, although claim 7 has been cancelled, the substance thereof has been included in

claim 6 and the editorial errors noted by the examiner have been corrected in the amendments made to claim 6.

The cancellation of claim 5 renders moot the rejection thereof under 35 USC 112.

Reconsideration is respectfully requested of the rejection of claims 1, 2, 6, 9, 10, and 12 under 35 USC 103, as being unpatentable over Proctor Jr. in view of Rikkinen et al. Claims 1, 2, 10, and 12 have been cancelled.

The examiner has noted that the features of the present invention in which the receiver decodes blocks of data received over the communication channel using the generated schedule of block lengths is patentably distinct subject matter. Claim 6 has been amended hereby to include that feature in the communication system. Furthermore, claim 7 was indicated as containing allowable subject matter and claim 7 has now been incorporated into claim 6.

Therefore, by reason of the inclusion of allowable subject matter in claim 6, it is respectfully submitted that claims 6 and 9 are patentably distinct over the cited references, alone or in combination.

Claim 3 has been amended hereby as noted hereinabove to comply with the structure as shown in the drawings.

Accordingly, by reason of the amendments made to the claims hereby to include allowable subject matter and to follow the structure shown in Fig. 1, for example, it is respectfully submitted that a communication system in which a block length selector is used to decode blocks of data using a generated schedule of block lengths, as taught by the present

invention and as recited in the amended claims, is neither shown nor suggested in the cited references, alone or in combination.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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